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FM AMEMBASSY NEW DELHI
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4600
INFO RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE
RUCNNSG/NUCLEAR SUPPLIERS GROUP COLLECTIVE
RUEAIIA/CIA WASHDC
RHEBAAA/DEPT OF ENERGY WASHINGTON DC
RUEKJCS/JOINT STAFF WASHDC
RHEHNSC/NSC WASHDC
RUEKJCS/SECDEF WASHDC
RUEHUNV/USMISSION UNVIE VIENNA 1697
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SENSITIVE
SIPDIS

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SUBJECT: DIPLOMATIC NOTE EXCHANGE WITH INDIA BRINGS 123
AGREEMENT INTO FORCE

¶1. (SBU) The Ministry of External Affairs (MEA) Americas Division initiated the exchange of diplomatic notes as planned December 6 with Embassy New Delhi to bring into force the U.S.-India Agreement Concerning Peaceful Uses of Nuclear Energy as signed October 10 in Washington, DC. The diplomatic note (No. WII/110/1/2008, dated December 6, 2008) indicates, pursuant to Article 16(1) of the Agreement, that the Government of India has completed the requirements for entry into force of the Agreement. Post replied the same day with a diplomatic note confirming that the U.S. has likewise completed all the requirements for entry into force of the Agreement. This exchange of diplomatic notes brings the 123 Agreement into force as of December 6, 2008.

¶2. (SBU) MEA Americas also passed a separate diplomatic note (same number, dated December 5, 2008) designating the Joint Secretary for External Relations in the Department of Atomic Energy -- a post currently occupied by A. Gitesh Sarma -- as the "nodal point for the Administrative Arrangement to be established for the effective implementation of the provisions of the Agreement, pursuant to Article 17." The note requests that the U.S. likewise designate a point of contact. Sarma, a career diplomat, sits in the Department of Atomic Energy in Mumbai and acts as the Ministry of External Affairs' liaison with India's influential atomic energy establishment. He coordinates between the diplomats at MEA and the scientists at DAE on issues of international cooperation related to atomic energy. Post requests guidance on whether this approach is consistent with our understanding of the Administrative Arrangement and who will be the designated U.S. point of contact.

MULFORD